REMARKS

Claims 19-25 have been canceled. Claims 1-18 and 26-27 remain pending in the application. Applicants amend 1-2, 9-10, 13-14, 17-18, and 26-27 for clarification, and refer to page 13, lines 17-35 in the specification, Figs. 19-20, and their corresponding description in the specification—including steps S7-S10 included therein—for exemplary embodiments of and support for the claimed invention. No new matter has been added.

Claims 1-5, 9-18 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,721,272 to Parnafes et al. in view of U.S. Patent No. 6,708,209 to Ebata et al.; and claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Parnafes et al. in view of Ebata et al., and further in view of U.S. Patent No. 6,336,129 to Ise et al. Applicants amend claims 1 and 26-27 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

Applicants respectfully submit that it would not have been obvious to one skilled in the art at the time the claimed invention was made to combine Parnafes et al. and Ebata et al. in the manner proposed by the Examiner. The Examiner continued to rely upon the description of an RSVP proxy in Parnafes et al. as alleged suggestion of the features of the claimed intermediary server. The Examiner conceded that Parnafes et al. do not disclose the claimed reserving features, but relied upon Ebata et al. as a combining reference that alleged suggests these features. The Examiner relied upon the features of the policy server described in Ebata et al. as alleged suggestion of these features. Neither reference includes any suggestion or motivation for combining the features of the RSVP proxy described in Parnafes et al. with the policy server described in Ebata et al.—particularly since the system described in Parnafes et al. includes a

separate <u>policy server</u> 110 with corresponding features. As such, the references clearly teach away from the Examiner's combination of features of these separate units described in <u>Parnafes et al.</u>, and the Examiner clearly utilized improper hindsight from the claimed invention in combining the functionality of the <u>RSVP proxy</u> described in <u>Parnafes et al.</u> with those of the <u>policy server</u> described in <u>Ebata et al.</u>

A fortiori, <u>Ebata et al.</u> only describe the policy server sending a resource allocation request to that of a next organization. Please see, e.g., col. 14, lines 44-65.

Thus, even assuming, <u>arguendo</u>, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine <u>Parnafes et al.</u> and <u>Ebata et al.</u>, the combination would have, at most, suggested a policy server, which is separate from an RSVP proxy, sending a resource allocation request to a next organization. Such a combination would still have failed to disclose or suggest the claimed features of an intermediary server transmitting a "user policy to <u>each</u> policy server corresponding to each of the plurality of Internet service providers, said each policy server storing the transmitted user policy," as claimed.

In other words, <u>Parnafes et al.</u> and <u>Ebata et al.</u>, as cited and relied upon by the Examiner, do not disclose or suggest,

> "[a] method of reserving a transmission band of a transmission line for transmitting data via a plurality of Internet service providers on the Internet between a content server and a terminal, the method comprising the steps of:
> (a) the content server requesting an intermediary server to reserve the transmission band by transmitting a user policy that includes an ordering number, a requested band, a reservation start date and time, and a reservation end date and time; and
> (b) the intermediary server reserving the transmission band for the content server and the terminal,
> wherein the reserving step further includes the steps of:
> receiving the user policy;
> storing the received user policy;

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searching for IP addresses of policy servers of the plurality of Internet service providers;

<u>transmitting the user policy to each policy server corresponding to each of the plurality of Internet service providers, said each policy server storing the transmitted user policy;</u>

receiving a band reservation result from each corresponding policy server;

determining whether the requested band reservation is confirmed by the band reservation results; and

transmitting the band reservation results to the content server, and

<u>wherein charging data, for charging one or more of a transmitter and a receiver of said data for transmission quality assurance per said plurality of Internet service providers, is constructed at one or more of said content server, said intermediary server, and said policy server,</u>" as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-5 and 9-18 dependent therefrom, is patentable over <u>Parnafes et al.</u> and <u>Ebata et al.</u>, separately and in combination, for at least the foregoing reasons. Claims 26-27 incorporate features that correspond to those of claim 1 cited above, and are, therefore, patentable over the cited references for at least the same reasons. The Examiner relied upon <u>Ise et al.</u> to specifically address the additional features recited in claims 6-8. As such, the combination of <u>Ise et al.</u> would still have failed to cure the above-described deficiencies of <u>Parnafes et al.</u> and <u>Ebata et al.</u> even assuming, <u>arguendo</u>, that it would have been obvious to one skilled in the art to do so at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 6-8, which depend from claim 1, are patentable over the cited references for at least the above-stated reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically

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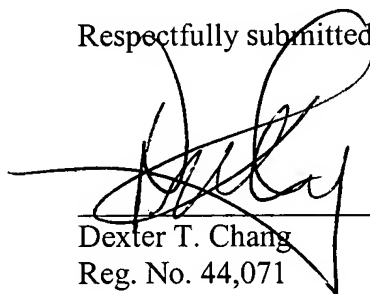
indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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